

MEMORANDUM

OCTOBER 18, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: STEPHEN COYLE, DIRECTOR

SUBJECT: ZONING TEXT AMENDMENT TO ESTABLISH AN INTERIM
PLANNING OVERLAY DISTRICT

The currently applicable Boston Zoning Code was adopted by the City in December, 1964. Since that time, major physical, economic, and social/demographic changes have occurred. Although code and map amendments have responded to some of these changes, no district of the City has undergone a comprehensive land use study and revision of zoning.

The Authority has initiated this comprehensive planning and rezoning process with the introduction of Harborpark, which will require fifteen months to accomplish its goals. A crucial step during the process is protection of the district from the introduction of land uses which are incompatible with the land use objectives or which would undermine the planning process and final revised zoning designations. To achieve this, Authority staff recommends that the Boston Zoning Commission be asked to adopt a text amendment authorizing an Interim Planning Overlay District designation in the Code.

An Interim Planning Overlay District for a particular area would be established through an interim map and text amendment defining the boundaries of the study area and accompanied by a written report. This application, prepared by the Authority for the Mayor, would set forth general land use goals and objectives for the area as well as interim controls.

In an Interim Planning Overlay District, the Inspectional Services Department would determine whether an Interim Planning Permit is required from the Board of Appeal prior to the issuance of any building permit or change of use or change of occupancy permit.

The Board of Appeal would not be authorized to hold a hearing or render any decision on an appeal for an Interim Planning Permit until it had received a report and recommendation from the Authority. The Authority specifies to the Board of Appeal whether or not the proposed action would be detrimental to the planning process or land uses and residents of the district. This Permitting process would essentially provide more planning input and control over protection of land uses.

Harborpark is one area of the City where changes have been the most dramatic in the past twenty years. Current zoning for this area allows for industrial uses that are by their nature noxious and hazardous, particularly where they exist adjacent to residential districts. Many permitted industrial uses not only produce toxic air pollutants, but also pose a serious

threat to the water quality and aquatic life of Boston Harbor. The Waterfront is a unique system of natural features and resources, aesthetic resources, desirable mixed-use water-dependent and water-enhanced resources, and public rights to enjoy recreational and commercial activities associated with the Harbor.

What is submitted today is a recommendation that we support a petition to the Zoning Commission to establish an Interim Planning Overlay District in the Code on its meeting of November 5, 1984. We also submit for your consideration the establishment of Harborpark as an Interim Planning Overlay District. This will be the first step in accomplishing the goals of Harborpark.

I strongly urge the Authority to recommend approval of the proposed amendment in order to facilitate comprehensive planning within the City and protect land uses.

VOTED: That in connection with Text Amendment Application No. 99, to establish an Interim Planning Overlay District designation, by the Mayor of the City of Boston, the Boston Redevelopment Authority recommends approval of the Amendment in substantial accord with the attached Amendment Application. The Authority recognizes that in order to protect the residents of the City and promote balanced growth, comprehensive planning and revisions to the zoning maps of the City it is necessary to regulate appropriate land uses. During the planning and rezoning process it is necessary to protect the study area from the introduction of land uses which are incompatible with the land use goals and objectives for the district and would undermine the planning process and integrity of the final revised zoning map designations.

ARTICLE 37 INTERIM PLANNING OVERLAY DISTRICT

Section 37-1

STATEMENT OF PURPOSE

MS4/PP/101884

The purpose of the article is to provide the health, safety, convenience, morals and welfare of the inhabitants of Boston through the encouragement of appropriate use of land throughout the City. A reasonable period of time is required for the process of comprehensive planning to develop the necessary studies, reports, findings, and hearings incident to adoption, amendment or repeal of land use

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Mayor of the City of Boston hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

1. By striking out in the first paragraph of Section 3-1A, respecting special purpose overlay districts, the word "or" as it appears before item (g), and by inserting after said item (g) the following item:

 , or (h) Interim Overlay Planning District.
2. By lettering the second through seventh paragraphs of said Section 3-1A with the following letters:

 a, b, c, d, e, f and g
3. By inserting in said Section 3-1A, below the paragraph headed "Restricted Roof Structures District", the following paragraphs:

Interim Planning Overlay District. An interim planning overlay district may be established by map amendment for a district of the City where it is determined that: (1) the existing zoning is inappropriate in terms of the general land use goals for the area of concern; (2) preparation of detailed revised zoning proposals which will be appropriate for the area requires time and a planning process; and (3) uses which are contrary to the general land use goals for the area might be introduced during the planning period if measures are not taken to control these uses.

ARTICLE 27
INTERIM PLANNING OVERLAY DISTRICT

Section 27-1

STATEMENT OF PURPOSE

The purpose of the article is to promote the health, safety, convenience, morals and welfare of the inhabitants of Boston through the encouragement of appropriate use of land throughout the City. A reasonable period of time is required for the process of comprehensive planning to develop the necessary studies, reports, findings, and hearings incident to adoption, amendment or repeal of land use

controls. Unless adequate measures are taken for a reasonable period of time to protect the public interest by preserving the integrity of proposed land use controls, until amendment of land use controls becomes effective; significant variations in the use of existing and inappropriate land, buildings and structures affected by proposed land use controls will have the effect of destroying the integrity and purpose of proposed land use controls to the detriment of the health, safety, and general welfare of local government and its inhabitants, and will seriously impede sound comprehensive planning processes, including adequate citizen participation in such processes, essential for the orderly physical, social and economic growth and life of the communities, metropolitan areas and regions of this City. Under the authority of Chapter 665 of the Acts of 1956, and Chapter 652 of the Acts of 1960, therefore, the text of the Boston Zoning Code, is amended as follows:

A district or group of districts or parts thereof (hereafter referred to as the area) may be established as an interim planning overlay district when it is determined by the Zoning Commission that:

1. a rezoning of the area is anticipated and needed;
2. a comprehensive planning study preceding the anticipated rezoning is needed; and
3. interim land use regulations are essential to maintain the status quo in the area and prevent introduction of changes to the area which would be incompatible and detrimental to the comprehensive planning study and anticipated rezoning.

Section 27-2

DEFINITIONS

1. "Interim Permit" - written order giving permission to act during the pendency of the Interim Overlay.
2. "Permitted Uses" - all uses not subject to Interim Permit Process.
3. "Temporarily Disallowed Uses" - all uses forbidden during the pendency of the Interim Overlay.

Section 27-3

ESTABLISHMENT AND EFFECT

1. An Interim Planning Overlay District shall be established through interim map and text amendment, to the City of Boston Zoning Maps and Text. Such amendment to be geographically specific and temporarily added to the Boston Zoning Code for the period in which it is in effect.

2. The Interim Planning Overlay District shall be subject to the terms of the Overlay District for the duration of the District.
3. An Interim Planning Overlay District shall be in effect for a specified period of time, but under no circumstances may it exceed two years from the date of adoption.
4. In an Interim Planning Overlay District, an interim Planning Permit must issue from the Board of Appeal prior to the issuance of any building permit, change of use, or change of occupancy permit by the Inspectional Services Department unless specifically allowed in the Interim Planning Overlay District.

Section 27-4

PERMITTING PROCEDURES

Each appeal for an interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department Commission who will retain one copy for his/her files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission.

Said Authority within ninety days after the date of such transmittal shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the appeal. The Board of Appeal shall not hold a hearing or render any decision on an appeal for such Permit until such report with recommendations has been received and considered, provided that if no such report is received within said ninety days, the Board of Appeal may hold a hearing and render its decision without such report. The Board of Appeal shall grant such permit only if it finds that the proposed action will not be inconsistent with the rezoning actions contemplated for the end of the planning process, is consistent with the land use objectives of the Interim Planning Overlay District, and that the proposed changes will not adversely affect the comprehensive planning process.

Section 27-5

APPLICATION REPORT REQUIREMENTS

A petition to the Zoning Commission for designation as an Interim Planning Overlay District must include a said proposed interim map and text that:

1. Defines the physical boundaries of the Interim Planning Overlay District.
2. Establishes the characteristics of the district that suggest that the existing underlying zoning is inappropriate.

3. Establishes a specified time period not to exceed two years during which the planning study and rezoning action will be conducted and the date upon the Interim Planning Overlay District designation will be dissolved for the district.
4. Define the general land use objectives for the district that make rezoning of the area desirable.
5. Establishes interim controls that will be in effect during the time period including but not limited to the following:
 - a. actions and uses which the interim plan will allow;
 - b. actions and uses that will require an interim planning permit; and
 - c. action and uses that will be forbidden.
6. Defines the planning process steps that will be conducted during the time period during which the Interim Planning Overlay Zone is in effect.

Petitioner:

Raymond L. Flynn
Mayor of the City of Boston

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Date:
